

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No. 39495 of 2014 (O&M)
Date of decision: 26.05.2015.**

Mehar Chand Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. J.S. Hooda, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana, for the respondent.

Mr. Surinder Dagar, Advocate, for
Mr. M.S. Tewatia, Advocate, for the complainant.

NAVITA SINGH, J. (ORAL)

It is submitted on behalf of the petitioner that co-accused Uday Singh and Rattan Singh have got the concession of anticipatory bail from this Court and the petitioner was not named in the FIR.

Counsel for the complainant submits that Rattan Singh was not a proclaimed offender, whereas the petitioner was declared so.

On submission of counsel for the petitioner that Rattan Singh was declared proclaimed offender, counsel for the complainant submitted that Rattan Singh had moved this Court before he was declared a proclaimed offender, whereas the petitioner filed the petition after the proceedings were over and he was declared as such.

Earlier, a case under Sections 279, 337, 304-A of the Indian Penal Code (IPC for short) was registered and the persons arrested in

relation to that were acquitted. Later on, on inquiry by Superintendent of Police, Rewari, the present case was registered. During investigation, offence under Section 304 of the IPC was added which was converted into Section 302 of the IPC. Initially, the case was converted into Section 304 IPC as is mentioned in the order dated 13.11.2014 passed by Additional Sessions Judge, Palwal, while dismissing the petition for anticipatory bail filed by the present petitioner.

State counsel submits that a case under Sections 409 and 420 of the Indian Penal Code stands registered against the petitioner regarding which counsel for the petitioner submits that the latter is on bail.

In view of the nature of the offence involved and the fact that the petitioner was declared a proclaimed offender, concession of anticipatory bail is not being granted to him.

In view of the above, the petition is dismissed.

The petitioner who was granted regular bail by Additional Chief Judicial Magistrate, Palwal, subject to the outcome of this petition, shall surrender before the said Court on 29.05.2015 and if for any reason he does not surrender, warrant of arrest shall be issued against him and the police would be at liberty to arrest him.

The application for anticipatory bail filed by the petitioner before Additional Sessions Judge, Palwal, was dismissed on 13.11.2014.

He approached this Court and during the pendency of the petition here, Additional Chief Judicial Magistrate, Palwal, on 23.03.2015 while accepting bail bonds of co-accused Uday Singh and Rattan Singh, who got anticipatory bail from here, also directed the present petitioner to

furnish personal and surety bonds in the sum of Rs.1,00,000/- making that concession subject to the outcome of the present petition.

Though this petition is otherwise disposed of, but explanation of Additional Chief Judicial Magistrate, Palwal, is ordered to be called in relation to the order passed by him on 23.03.2015 and the matter be put up as and when the explanation is received.

(NAVITA SINGH)
JUDGE

26.05.2015
Ramesh